

House Bill 1499 (AS PASSED HOUSE AND SENATE)

By: Representative Cheokas of the 134th

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating the State Court of Sumter County, approved November 22, 1900 (Ga. L. 1900, p. 93), as amended, so as to provide that on and after January 1, 2007, the district attorney of the judicial circuit within which Sumter County is located shall represent the state in all criminal prosecutions brought in the State Court of Sumter County and shall perform the duties of the office of solicitor-general of the state court; to provide for the powers, duties, and responsibilities of said district attorney in such state court; to authorize the establishment of a state court division by said district attorney; to provide for the assignment, appointment, and compensation of personnel by said district attorney; to provide for annual budgets; to provide for the transfer of books, papers, and other office property to said district attorney; to provide that no election shall be held for the office of solicitor-general of the state court; to provide for definitions and references; to provide for submission to the Justice Department for preclearance; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the State Court of Sumter County, approved November 22, 1900 (Ga. L. 1900, p. 93), as amended, is amended by adding a new Section 6C to read as follows:

"SECTION 6C.

(a) On and after January 1, 2007, the district attorney of the judicial circuit in which Sumter County is located shall represent the state in all criminal cases in the State Court of Sumter County as provided in paragraphs (1) and (4) of subsection (c) of Code Section 15-18-60 of the O.C.G.A. and shall have all of the duties, powers, and responsibilities of a solicitor-general as provided by law. The district attorney of said circuit may establish a state court division and designate assistant district attorneys to prosecute such cases in

1 the State Court of Sumter County as provided in subsection (c) of Code Section 15-18-61
2 of the O.C.G.A.

3 (b) In addition to any other personnel which said district attorney is authorized to appoint
4 pursuant to Article 1 of Chapter 18 of Title 15 of the O.C.G.A., the district attorney of said
5 circuit shall be authorized to appoint an assistant district attorney to assist in the
6 prosecution of criminal cases in the State Court of Sumter County, said assistant district
7 attorney to be compensated in an amount determined in accordance with the provisions of
8 Code Section 15-18-20 of the O.C.G.A. In addition, the district attorney shall be
9 authorized to appoint at least one administrative, clerical, and paraprofessional personnel
10 to provide support for the state court division. The compensation and number of such
11 additional personnel shall be determined by the governing authority of Sumter County as
12 part of the annual budget for said district attorney.

13 (c) No election shall be held for the office of solicitor-general of the State Court of Sumter
14 County for the term of office that begins on or after January 1, 2007, and such office shall
15 stand abolished. On or after January 1, 2007, any reference in this Act or any other law of
16 this state to the solicitor-general of the State Court of Sumter County shall be deemed to
17 mean and refer to the district attorney of the judicial circuit in which Sumter County is
18 located. It shall be the duty of the solicitor-general of the State Court of Sumter County
19 to deliver all books, papers, and other office property to the district attorney of such circuit
20 as provided by Code Section 45-6-7 of the O.C.G.A. on or before the end of the term of
21 office to which said solicitor-general was elected or vacating said office, whichever occurs
22 first."

23 **SECTION 2.**

24 The governing authority of Sumter County shall through its legal counsel cause this Act to
25 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
26 such submission shall be made to the United States Department of Justice or filed with the
27 appropriate court no later than 45 days after the date on which this Act is approved by the
28 Governor or otherwise becomes law without such approval.

29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.